



Attorney General of New Mexico

GARY K. KING
Attorney General

ALBERT J. LAMA
Chief Deputy Attorney General

State of New Mexico Professional Fundraiser Form

1. Organizational contact information:

Name of Professional Fundraiser: _____

Contact Person and Phone: _____

Address: _____

Phone: _____ Fax: _____

Email: _____ WWW address: _____

2. Name(s) under which business is conducted: _____

3. Name, title, residence, and business addresses of all officers, partners, agents, servants, employees, directors and independent contractors:

<u>Name</u>	<u>Title</u>	<u>Residence Address</u>	<u>Business Address</u>

4. Individuals or officers of the organization who will have custody of the contributions (name title, address, street, city and state).

5. Individuals or officers of the organization who are responsible for the distribution thereof: (name title, address, street, city and state).

6. Period of time during which the fundraising is to be conducted (month, day and year):

7. Description of the method(s) of fundraising:

8. Location and telephone numbers from where fundraising is conducted:

9. Compensation and authority of the professional fundraiser including percentage going to the charity:

10. Name and email of primary contact: _____

11. Contact information for organization completing this form (if different from the fundraising organization itself).

Name of Organization: _____

Address/Phone: _____

Primary Contact Person: _____

☐ Please check here if this is to be used as the mailing address.

The following information **MUST** accompany this registration form:

- INSTRUCTIONS:

- ## **CERTIFICATION AND AFFIDAVIT**



GARY K. KING
Attorney General, State of New Mexico
Registry of Charitable Organizations

Charitable Solicitations Act for Professional Fundraisers

This document has been prepared to provide information to people and organizations requesting information on how to comply with the regulations surrounding professional fundraisers operating in New Mexico. **It is important to review the Charitable Solicitations Act or consult an attorney prior to soliciting in New Mexico.** While the Attorney General's Office is not authorized to provide legal advice to private individuals or organizations, the following information may be helpful.

A charitable organization means any entity that has been granted exemption from the federal income tax by the United States commissioner of the Internal Revenue as an organization described in Section 501(c) 3 of the Internal Revenue Code of 1986.

Contribution means the promise, grant or pledge of any money, credit or property of any kind or value provided to a charitable organization in response to a solicitation, but does not include program service revenue or bona fide membership fees, dues or assessments.

Solicit or Solicitation means any communication requesting a contribution or offering an opportunity to participate in a game of chance, raffle or similar event with the representation that the contribution or participation will support a charitable purpose. This includes any verbal request made in person or by telephone, radio, television, electronic communication or other media, and any written or published request mailed, sent, delivered, circulated, distributed, posted in a public place, advertised or communicated through any medium to the public.

Professional fundraiser means a person that solicits or employs or directs others to solicit contributions from the public on behalf of a charitable organization in exchange for compensation and has custody or control of the contributions; provided that "professional fundraiser" does not include a director, officer, bona fide employee or salaried officer, volunteer, attorney, accountant or investment counselor of a charitable organization. Professional fundraisers **MUST REGISTER** in the State of New Mexico.

Professional fundraising counsel means a person that provides services or employs or directs others to provide services for compensation to a charitable organization in the solicitation of contributions, including managing or preparing materials to be used in conjunction with any solicitation. Professional fundraising counsel does not directly solicit contributions or have access or control of any funds. Professional fundraising counsel DOES NOT register in the State of New Mexico.

A professional fundraiser shall register with the New Mexico Attorney General's Office before entering into a contract with any charitable organization, except a religious organization or educational institution, to solicit for or on its behalf.

A contribution is not required for a solicitation to have occurred.

What to include in the registration packet:

- A registration form provided by the Attorney General.
- Copies of the solicitation literature, including scripts of any written or verbal solicitation.
- A surety bond in the amount of twenty five thousand (\$25,000) on a form provided by the Attorney General.
- A copy of the intended written contract between the professional fundraiser and the charitable organization on whose behalf the professional fundraiser intends to conduct a solicitation campaign.
- The contract and solicitation materials filed with the Attorney General must be certified by the charitable organization on whose behalf the professional fundraiser is acting.
- If there is no registered agent in the State of New Mexico, the professional fundraiser shall file consent to service of process.
- If the terms of the contract change or additional contracts develop, the professional fundraiser must complete a new registration packet to provide the additional information.

Within ten business days after receiving a registration, the Attorney General shall notify the professional fundraiser of any deficiencies in the registration or contract of bond. Otherwise the professional fundraiser is considered registered. A letter certifying your registration will be sent. **This is not, in any way, an endorsement or approval by the Attorney General or any governmental agency or office.**

A professional fundraiser who fails to register with the Attorney General may be assessed a late registration fee of five hundred dollars (\$500.00).

Professional fundraisers are responsible for complying with the Charitable Solicitations Act.

If you would like a copy of the Act, please go to

<http://www.state.nm.us/category/governmentnm.html#laws>,

go to statutes, New Mexico, and type in Charitable Solicitations Act.

Office of the Attorney General
ATTN: Registry of Charitable Organizations
111 Lomas Blvd. NW, Suite 300
Albuquerque, NM 87102
(505) 222-9046 Phone
(505) 222-9086 Fax
Charity.Registrar@nmag.gov



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PROFESSIONAL FUNDRAISER BOND

BE IT KNOWN, That the applicant for registration,

NAME OF APPLICANT

a/an _____
INDIVIDUAL, ASSOCIATION, PARTNERSHIP OR CORPORATION

with business located at _____
STREET MUNICIPALITY

COUNTY STATE ZIP CODE

as PRINCIPAL, and _____
NAME OF SURETY COMPANY

with principal office located at _____
STREET

MUNICIPALITY COUNTY STATE ZIP CODE

as SURETY, are held and firmly bound unto the State of New Mexico for the use of the Attorney General and any person having a cause of action against the principal as defined in the New Mexico Charitable Solicitation Act. §57-22-6.2, in the sum of Twenty-five Thousand Dollars (\$25,000), lawful money of the United States of America, to be paid to the said State, its certain attorney or assigns, to which payment well and truly to be made, we do hereby bind ourselves, jointly and severally, our heirs, executors, administrators, successors and assigns firmly by these presents.

BECOMES EFFECTIVE this _____ day of _____ ,
20_____
EXPIRES one year from date.

WHEREAS, the above bounded Principal desires to operate as a Professional Fundraiser under the provisions of the New Mexico Charitable Solicitations Act, § 57-22 *et seq.*, and the rules and regulations adopted pursuant thereto;

NOW THEREFORE, the condition of this obligation is such that if upon and after the issuance of such registration the above bounded Principal shall fully and faithfully observe the provisions of all the laws of this State and the rules and regulations promulgated by the Registrar of Charitable Organizations, State of New Mexico, as a Professional Fundraiser, then this obligation shall be void; otherwise, it shall remain in full force, virtue and effect.

And the obligors, jointly and severally, for themselves, their heirs, executors, administrators, successors and assigns, do agree with the State of New Mexico that upon violation of any provisions of the said Charitable Solicitations Act § 57-22 *et seq.*, and the rules and regulations promulgated by the Registrar of Charitable Organizations, said Bond up to the full amount shall be due and payable.

**SIGNATURE OF PRINCIPAL OFFICER
FOR PROFESSIONAL SOLICITOR/CHARITY**

**TYPE OR PRINT NAME AND TITLE OF
PRINCIPAL OFFICER FOR PROFESSIONAL
SOLICITOR/CHARITY**

**SIGNATURE OF ATTORNEY-IN-FACT
FOR SURETY COMPANY**

**TYPE OR PRINT NAME OF ATTORNEY-IN-FACT
FOR SURETY COMPANY**

(Certified Copy of Power-of-Attorney nominating, constituting and appointing said Attorney-in-Fact for said Surety Company must be attached hereto. Date of certification and date of execution of Bond must agree).



Attorney General of New Mexico

GARY K. KING
Attorney General

ALBERT J. LAMA
Chief Deputy Attorney General

IRREVOCABLE CONSENT TO SERVICE OF PROCESS

I, the undersigned individual, _____, being a non-resident
Applicant's Name
applicant for New Mexico Charitable Registration, do hereby irrevocably consent, stipulate, and agree that suits and actions may be commenced against me in the proper court in which a cause of action may arise, or in which the plaintiff may reside, by the service of any process or pleading, and that such service of process or pleadings on the Attorney General shall be taken and held in all courts to be as valid and binding as if the service had been duly made upon me according to the laws of this or any other state.

Signed at _____ on the _____ day of _____
City and State Date
_____, _____
Month Year

The applicant, _____ personally appeared before the
Applicant's Name
undersigned notary public in and for the below named county and state, on the day above named, and being first duly sworn, acknowledged the execution of the foregoing instrument to be a voluntary act for the purposes therein set forth.

Applicant Signature

Notary Public in and for the

County of _____

State of _____

My Commission Expires: _____

Notary Seal: